



DEPARTMENT OF THE NAVY

NAVAL SEA SYSTEMS COMMAND
1333 ISAAC HULL AVENUE
WASHINGTON NAVY YARD DC 20376-2101

IN REPLY REFER TO

5720

Ser SEA 00A5/DON-NAVY-2016-005220F

June 27, 2017

Mr. Earl Keim
Navpar, Inc.
11029 State Route 128
Harrison, OH 45030

SUBJECT: YOUR FREEDOM OF INFORMATION ACT CASE DON-NAVY 20167-005220

Dear Mr. Keim:

This is a final response to your March 25, 2016, Freedom of Information Act (FOIA) request for parts and drawings as described in your attached request.

A thorough search of this Headquarters files was conducted, specifically those files located within the Acquisition and Commonality Directorate (SEA 06). Knowledgeable personnel with that office researched and reviewed the requested information the Navy Ships Engineering Drawing Repository (NSEDOR) and determined that based on the Distribution D markings, it cannot be released to the public under the FOIA.

I considered your request under the FOIA, 5 U.S.C. 552, as amended, and Secretary of the Navy Instruction 5720.42F. While it is noted that this type of data has been routinely released to you in the past under the FOIA, the source of the technical data has changed and is now identified as "Distribution D." As such, I am denying the release of this data under exemption (b)(3). Exemption 3 requires the withholding of information prohibited from disclosure by another statute provided that the statute "(A) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue or (B) establishes a particular criteria for withholding or refers to particular types of matters to be withheld."

10 U.S.C. 130 and the Department of Defense (DoD) implementing directive, DoD Directive 5230.25, prohibit the disclosure of technical data with military or space application in the possession of, or under the control of, the Department of Defense, if such data may not be exported lawfully outside the United States with an approval, authorization, or license under the Arms Export Control Act. 10 U.S.C. § 130 is an exemption 3 statute.

Since the data you have requested is now prohibited from public disclosure for the reasons stated above, I am denying your request.

I am the official responsible for this decision. You may submit a written administrative appeal of my decision. Should you decide to file an appeal, it must be received within 90 calendar days from the date of this letter and should contain a copy of your original requests, a copy of this letter, and a statement indicating why you think your appeal should be granted. Attach a copy of this letter to the appeal and mark the appeal and the envelope, "Freedom of Information Act Appeal." Mail the original to the Department of the Navy, Office of the General Counsel, Attn: FOIA APPEALS, 1000 Navy Pentagon, Room 5A532, Washington, DC 20350-1000. Please mail a copy of the appeal to:

Commander
Naval Sea Systems Command (SEA 00A5)
1333 Isaac Hull Ave SE
Washington Navy Yard, DC 20376-1021

As an alternative to filing an appeal, you may seek Alternate Dispute Resolution (ADR). You may submit your request for ADR either to DONFOIA-PA@navy.mil or you can call the Navy FOIA Service Center at 202-685-0214 or via the following address:

Chief of Naval Operations (DNS-36)
Attn: FOIA/PA Service Center
C/O - Head, SECNAV/CNO FOIA/PA Program Office
2000 Navy Pentagon
Washington, DC 20350-2000

If you have any questions concerning the processing of your request, please contact Ms. Ginger Dolan, at 202-781-3359. I am the official responsible for this decision. You may submit a written administrative appeal of my decision.

Fees for processing your request were below the threshold for requiring payment; however, fees are assessed on a case-by-case basis and you may be charged fees on future requests.

If you have any questions concerning the processing of your request, please contact Ms. Ginger Dolan, at 202-781-3359.

Sincerely,



JAVIER MARTINEZ
Assistant Counsel

Hamlin, Donna M CIV NAVSEA, SEA 00A

Ginger
received
3-25-16
USPLEX
commercial

SEA 06

From: navpar2@aol.com
Sent: Friday, March 25, 2016 13:14
To: Hamlin, Donna M CIV NAVSEA, SEA 00A
Subject: [Non-DoD Source] F.O.I.A. dwg. request
Attachments: DD2345 NAVPAR,_Inc-0MHC4-21535 05-21-14.pdf

Dear Donna,

We were directed to you by Ms. Kathrine Moratta of the Naval Air Warfare Center F.O.I.A. office as a point of contact for a drawing request that we would like to submit. As such we submit the following;

Pursuant to the provisions allowed for by the Federal Freedom of Information Act we would like to take this opportunity to request the following Five drawings. The drawings are managed by the Naval Sea Systems Command (53711). We would also ask that these Five drawings be provided in their most current revision level and that, if available, in digital format.

DRAWING #
DL5184095 or 5184095DL (Data List)

6665686

6665701

6665707

6902018

We have also attached our most recent JCP certificate for Military Critical Data agreement. Please inform this office of any applicable charges to process and fulfill this request so we may issue a company check in that amount to the appropriate facility.

We thank you for your assistance and immediate attention and cooperation in this matter and if you should have any comments or questions please do not hesitate to contact me at your earliest convenience.

Best Regards,
Earl Keim
Navpar, Inc. (0mhc4)
800-860-8989

2016-F-000132
NAVAL SEA SYSTEMS COMMAND
FREEDOM OF INFORMATION ACT OFFICE
REQUEST NO. DON-Navy-2016-005220
DATE RECEIVED: 3-25-16
DATE DUE: 4-25-16

mailing address

~~11029~~

11029 State Rt 128
Harrison OH 45030